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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

RUSSELL WRIGHT,

Plaintiff,

v.

VIOLET ENERGY, INC.; and DESARI
STRADER,

Defendants.

Case No.: 3:22-cv-00151-SB

**PLAINTIFF'S RESPONSE TO ORDER
TO SHOW CAUSE**

INTRODUCTION

Plaintiff Russell Wright ("Plaintiff") hereby responds to the Courts Order to Show Cause (Dkt. 6) entered on July 18, 2022. As the Declaration of Michael O. Stevens ("Stevens Decl.") demonstrates, as well as the recent filings by Plaintiff, there is good cause to not dismiss this action.

BACKGROUND

Plaintiff filed this action on January 27, 2022. Prior to that, Plaintiff's counsel had been in contact with counsel for Defendants. (Stevens Decl., ¶ 4). At the time of those

negotiations, Defendants' law firm also served as the registered agent (Ex. 1 to the Stevens Decl.) for Defendant Violet Energy, Inc. ("Violet"). However, on September 27, 2021, Defendants' law firm resigned as the registered agent for Violet. (Ex. 1 to the Stevens Decl.). Upon initiating the action, Plaintiff's counsel was informed via email by counsel for Defendants that they no longer represented either Defendants on February 15, 2022. (Ex. 2 to the Stevens Decl.).

As such, there was no counsel to request that law firm accept service on behalf of Defendants pursuant to FRCP 4(d). Since there was no registered agent listed, Plaintiff then attempted service of both Defendants at the address for Defendant Desari Strader ("Strader"), who was both the president and secretary of Violet. (Stevens Decl., ¶ 7). An attempt at that address proved fruitless, as the process server was told Strader no longer lived at that address. (Ex. 3 & 4 to the Stevens Decl.) Counsel for Plaintiff later confirmed through the Oregon Dept. of Motor Vehicles that Strader was still listing that address as her residence. (Stevens Decl., ¶ 8).

Plaintiff then worked to locate alternative addresses for service upon Strader that may also give actual notice to Violet as well. (Stevens Decl., ¶ 9). After no success, Plaintiff then completed substituted service of process on Violet via ORS § 60.121 as of May 7, 2022. (Dkt. 8). However, counsel for Plaintiff held out hope actual service could still be effectuated, and held off on filing a proof of substituted service as to Violet. (Stevens Decl., ¶ 11).

Plaintiff then attempted service on Strader at the principal place of business for Violet based on listings for the secretaries of state for both Oregon and Washington. (Ex. 1 & 5 to the Stevens Decl.) Plaintiff obtained an amended summons for that purpose on May 9, 2022, (Dkt. 5) and a process server attempted service on May 13, May 16, and May 17, with no service possible as the building appeared empty. (Ex. 5 to the Stevens Decl.).

Plaintiff again attempted to locate other potential addresses, but were unable to locate anything definitive that justified even more costs for service attempts from someone who appeared to be dodging service by failing to maintain a registered agent or keeping other government records up-to-date. (Stevens Decl., ¶ 12). Plaintiff's counsel had hoped to file a motion for alternative service sooner, but due to other commitments was unable to file such a motion in June when it appeared unlikely actual service would be possible. (Stevens Decl., ¶ 13).

GOOD CAUSE

As outlined above, Plaintiff has been diligently attempting service on parties that have failed to abide by the law as to keeping current addresses that would allow for service of process. While it has taken longer than usual, this is because Defendants have either intentionally made it difficult, or at the least, neglected their duties to keep the government updated on their whereabouts.

Plaintiff has now filed proof of substituted service upon Violet, which should resolve the issue leading to the Order to Show Cause as to one defendant. Plaintiff has also filed a motion for alternative service on Strader (Dkt. 8), which if granted, should resolve the issue leading to the Order to Show Cause as to Strader, fully resolving the service issues and allowing the case to proceed.

CONCLUSION

For the reasons stated above, Plaintiff posits there is good cause to not order the dismissal of this action. Thus, Plaintiff respectfully requests the Court not order such dismissal.

Dated: July 29, 2022

Respectfully submitted,

By: /s/ Michael O. Stevens
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Russell Wright